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NOTICE OF ALLOWANCE AND FEE(S) DUE

24201 7590 09/07/2010

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

HOUSTON, ELIZABETH

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 09/07/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,032	11/20/2003	Timothy A. Geisler	ACS 58145 (3166P)	2537

TITLE OF INVENTION: RAPID-EXCHANGE DELIVERY SYSTEMS FOR SELF-EXPANDING STENTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

24201 7590 09/07/2010

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LOS ANGELES, CA 90045

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,032 11/20/2003

Timothy A. Geiser

ACS 58145 (3166P)

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TITLE OF INVENTION: RAPID-EXCHANGE DELIVERY SYSTEMS FOR SELF-EXPANDING STENTS

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOUSTON, ELIZABETH	3731	623-001120

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 800 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 800 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<p style="text-align: center; font-weight: bold; font-size: 1.2em;">Notice of Allowability</p>	<p>Application No. 10/720,032</p> <p>Examiner ELIZABETH HOUSTON</p>	<p>Applicant(s) GEISER ET AL.</p> <p>Art Unit 3731</p>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 04/15/10.

2. ☒ The allowed claim(s) is/are 26-30, 32-34, 47-66, 68-70, 72, 73, 75 and 76.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

<p>Attachment(s)</p> <p>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____</p> <p>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p>	<p>5. <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____</p> <p>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>9. <input type="checkbox"/> Other _____.</p>
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/Elizabeth Houston/ Examiner, Art Unit 3731	/Anh Tuan T. Nguyen/ Supervisory Patent Examiner, Art Unit 3731
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Majcher on 08/27/10.

The application has been amended as follows:

CANCEL CLAIMS 67, 71, 74

AMEND CLAIMS 26, 47, 66, 68, 72 and 75 as follows:

REPLACE CLAIM 26 WITH THE FOLLOWING:

A catheter assembly comprising:

a control handle;

an inner catheter member having a proximal end and a distal end and further including a distal mounting portion adapted to have a medical device mounted thereon, the proximal end attached to the control handle, and a guide wire receiving member having a proximal end and a distal end and being configured for receiving a guide wire, the proximal end of the guide wire receiving member being spaced apart from the proximal end of the inner catheter member, the guide wire receiving member further including an opening at the proximal end and an opening at the distal end and a lumen

extending between these openings formed on the distal and proximal ends of the guide wire receiving member; and

an outer catheter member co-axially disposed over the inner catheter member and dimensioned for relative axial movement relative to each other, the outer catheter member being comprised of multiple portions, wherein the outer catheter member includes a distal portion having a proximal end and a distal end, the distal portion being adapted to at least partially cover the medical device, the distal portion having an inner surface ~~which~~ configured to directly contact[[s]] the medical device, an intermediate portion having a distal end and a proximal end, the distal end of the intermediate portion coupled to the proximal end of the distal portion, and a proximal outer member having a proximal end and a distal end, the proximal end of the proximal outer member being coupled to the control handle and the distal end of the proximal outer portion being coupled to the proximal end of the intermediate portion, wherein the proximal end of the intermediate portion has an outer diameter and the distal end of the proximal outer member has an outer diameter, the outer diameter of the proximal end of the intermediate portion being larger [[that]] than the outer diameter of the distal end of the proximal outer member to allow [[the]] for a guide wire to exit the proximal end of the guide wire receiving member through an opening formed at the proximal end of the intermediate portion of the outer catheter member, wherein a length of the proximal portion extends into the opening of the proximal end of the intermediate portion to create a passage between the proximal portion and the intermediate portion through which the guide wire is configured to extend.

REPLACE CLAIM 47 WITH THE FOLLOWING:

A catheter assembly comprising:

a control handle;

a medical device;

an inner catheter member having a proximal end and a distal end and further including a distal mounting portion upon which the medical device is mounted, the proximal end being coupled to the control handle, a guide wire receiving member for receiving a guide wire, the guide wire receiving member having a proximal end, a distal end and a lumen for receiving the guide wire, the proximal end of the guide wire receiving member being spaced apart from the proximal end of the inner catheter; and

an outer catheter member coupled to the control handle and co-axially disposed over the inner catheter member and dimensioned for relative axial movement relative to each other, the outer catheter member comprising:

a distal portion having a proximal end, a distal end and lumen extending therethrough, the distal portion being adapted to at least partially cover the medical device and having an inner surface which directly contacts the medical device;

an intermediate portion made from a tubular member having a proximal end, a distal end and a lumen extending therethrough, the proximal end of the distal portion being coupled to the distal end of the intermediate portion;

a proximal portion made from a tubular member having a proximal end and a distal end, the proximal end of the intermediate portion having a diameter an opening

that is greater than the diameter of the distal end of the proximal portion, the distal end of the proximal portion being attached ~~[[to]]~~ within the proximal end of the intermediate portion such that a length of the proximal portion extends into the opening of the proximal end of the intermediate portion; and

a passage formed ~~at the area of attachment of the~~ between the proximal portion ~~to~~ and the intermediate portion at the area of attachment, the passage allowing for a guide wire to pass through the opening of the intermediate portion to exit the lumen of the guide wire receiving member.

REPLACE CLAIM 66 WITH THE FOLLOWING:

A catheter assembly comprising:

a control handle;

a medical device;

an inner catheter member having a proximal end, a distal end, a distal mounting portion upon which the medical device is mounted and a guide wire receiving member for receiving a guide wire, the proximal end of the inner catheter being coupled to the control handle, the guide wire receiving member having a proximal end, a distal end and a lumen for receiving the guide wire, the proximal end of the guide wire receiving member being spaced apart from the proximal end of the inner catheter; and

an outer catheter member coupled to the control handle and co-axially disposed over the inner catheter member and dimensioned for relative axial movement relative to each other, the outer catheter member comprising:

a distal portion having a proximal end, a distal end and lumen extending therethrough, the distal portion being adapted to at least partially cover the medical device and having an inner surface which contacts the medical device;

an intermediate portion made from a tubular member extending from the distal portion, the intermediate portion having a proximal end with an opening, a distal end with an opening and a lumen extending therethrough;

a proximal portion made from a tubular member extending from the intermediate portion, the proximal portion having a proximal end coupled to the control handle and a distal end with an opening, the proximal end of the intermediate portion having a diameter that is greater than the diameter of the distal end of the proximal portion, wherein a length of the proximal portion extends into the opening of the proximal end of the intermediate portion forming a passage wherein a passage is formed at the area where the proximal portion meets the intermediate portion, the guide wire receiving member being placed adjacent within the ~~to this~~ passage to allow ~~the a~~ guide wire to pass through the guide wire receiving member and through the opening at the proximal end of the intermediate portion.

REPLACE CLAIM 68 WITH THE FOLLOWING:

The catheter assembly of claim [[67]]66 wherein the passage has a longitudinal length.

REPLACE CLAIM 72 WITH THE FOLLOWING:

The catheter assembly of claim [[71]]26 wherein the proximal end of the guide wire receiving member is located within the passage.

REPLACE CLAIM 75 WITH THE FOLLOWING:

The catheter assembly of claim [[74]]47 wherein the proximal end of the guide wire receiving member is located within the passage.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: There is no prior art alone or in combination that teaches a catheter assembly having an all the claimed features in particular the outer member having a intermediate portion with a proximal opening having a larger outer diameter than the distal end of the proximal portion such that the proximal portion extends into the opening of the intermediate portion to form a passage for allowing a guidewire to exit through the opening.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH HOUSTON whose telephone number is (571)272-7134. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elizabeth Houston
/E.H./
Examiner, Art Unit 3731

/Anhtuan T. Nguyen/
Supervisory Patent Examiner, Art Unit 3731
8/29/2010